

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SANDRA BRUNO, on behalf of herself
and similarly situated employees,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Action No. 2:19-cv-00587-RJC

**DEFENDANT’S MOTION FOR RECONSIDERATION OF THE
COURT’S DECEMBER 22, 2020 ORDER (Dkt. 108)**

Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) respectfully moves this Court for reconsideration of the December 22, 2020 order (Dkt. No. 108) denying as premature Wells Fargo’s motions for summary judgment (the “Motions”). (*See* Dkt. Nos. 92 and 95). In support of its motion, Wells Fargo relies on its accompanying memorandum of law and further states:

1. For well over a year, the parties have conducted unlimited discovery on the subjects that are the bases of Wells Fargo’s Motions, including on “the merits of Plaintiff’s individual claims” and Wells Fargo’s “policies and practices with respect to [the] payment/compensation of [Plaintiff and] putative class members.” *See* Joint Report of the Parties at ¶ 9 (Dkt. 25). No further discovery is required for Wells Fargo’s Motions.

2. If Plaintiffs needed additional discovery to respond to the Motions, they were required under Rule 56(d) of the Federal Rules of Civil Procedure to submit a declaration explaining what discovery they needed. Plaintiffs did not; nor have they suggested any such additional discovery.

3. Judicial efficiency supports considering Wells Fargo’s Motions before, or contemporaneous with, Plaintiffs’ motion for conditional certification.

The reasons for Wells Fargo's motion for reconsideration are further explained in detail in Wells Fargo's accompanying memorandum of law. For the foregoing reasons, as and set out in Wells Fargo's memorandum of law, Wells Fargo respectfully requests that the Court reconsider its December 22, 2020 order (Dkt. No. 108), reinstate Wells Fargo's motions for summary judgment (Dkt. Nos. 92 and 95), and order Plaintiffs to respond to the motions in the normal course.

Dated: December 30, 2020

Respectfully submitted,

SEYFARTH SHAW LLP

By: s/ Timothy M. Watson
Timothy M. Watson (*pro hac vice*)
John P. Phillips (*pro hac vice*)
700 Milam Street, Suite 1400
Houston, Texas 77002
Telephone: (713) 225-2300
Facsimile: (713) 225-2340
Email: twatson@seyfarth.com
jphillips@seyfarth.com

Gina Merrill (*pro hac vice*)
SEYFARTH SHAW LLP
620 Eighth Avenue
New York, New York 10018
Telephone: (212) 218-5500
Facsimile: (212) 218-5526
Email: gmerrill@seyfarth.com

ATTORNEYS FOR DEFENDANT WELLS
FARGO BANK, N.A.

CERTIFICATE OF SERVICE

I, Timothy M. Watson, an attorney, do hereby certify that, on December 30, 2020, I have caused a true and correct copy of the foregoing document to be filed using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

s/ Timothy M. Watson

Timothy M. Watson